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MEMO ENDORSED

January 31, 2024

VIA ECF AND EMAIL TO CHAMBERS
(ALCARTERNYSDCHAMBERS@NYSD.USCOURTS.GOV)

Hon. Andrew L. Carter, Jr.
U.S. District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 2/1/24

Re: *Patricia Gatling-Brooks v. Liberty Mutual Insurance Co.*, Case No. 22-cv-08979

Dear Judge Carter:

We represent Defendants Liberty Mutual Group Inc. (“Liberty”), Michael Policastro (“Policastro”), Brendan McLaughlin, and Jose Caraballo (“Caraballo”) (collectively, “Defendants”) in the above-referenced matter. Pursuant to Your Honor’s Individual Rules of Practice, we write to request an extension of time for Defendants to file their partial Motion to Dismiss and Motion to Transfer Venue, currently due on February 9, 2024. (Dkt. #44).

On January 30, 2024, the undersigned conferred with Plaintiff’s counsel who advised that he intends to request a Right to Sue from the Equal Employment Opportunity Commission (“EEOC”) with regards to Plaintiff’s alleged disability discrimination claim under the Americans with Disabilities Act (“ADA”). Plaintiff’s counsel advised that he intends to make a request to your Honor to file a Third Amended Complaint upon receipt of Plaintiff’s Right to Sue from the EEOC. Plaintiff’s counsel also advised that the proposed Third Amended Complaint will not alter the concerns raised in Defendants’ last pre-motion letter, it will simply add the ADA claim and may add additional facts to support all disability claims.

In light of this discovery, in the event that Plaintiff is successful in obtaining a Right to Sue and is further granted permission to file a Third Amended Complaint, Defendants respectfully request that they be granted permission to file their partial Motion to Dismiss and Motion to Transfer Venue thirty (30) days after Plaintiff files such Third Amended Complaint. Defendants makes this request: 1) in the hopes that they could avoid having to file another pre-motion letter request for a conference concerning the anticipated Motion to Dismiss and Transfer Venue; and 2) to avoid duplication of brief drafting, once again.

This is Defendants’ first request for such an extension of the briefing schedule and Plaintiff’s counsel consents to this request. Additionally, given that such an extension would affect the Opposition and Reply due dates, Defendant requests permission to file a proposed Scheduling Order after any such Amended Complaint is filed by Plaintiff, since Defendants are currently unaware of the exact date that Plaintiff will proceed.

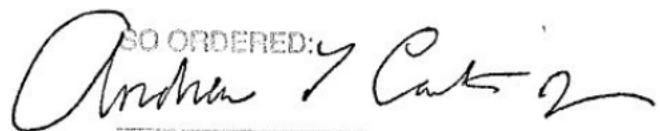
We thank Your Honor for your time and attention to this matter.

Respectfully Submitted,

William J. Anthony
Marlie P. Blaise

cc: Attorney for Plaintiff, Delmas Costin.
Attorney for Plaintiff, Ronald McGuire

Defendants shall have thirty days after Plaintiff files the Third Amended Complaint to file their anticipated partial Motion to Dismiss and Motion to Transfer Venue.

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

February 1, 2024
New York, New York